

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the State Highway Department has planned the widening of U. S. Highway
60 in the Forestdale area, and

WHEREAS, merchantable timber will be removed for this purpose, and

WHEREAS, it is necessary to remove merchantable timber located within the
right of way area whereon the said road will be constructed.

BE IT RESOLVED that the timber located on the area to be widened be appraised
and advertised for bids in accordance with regulations.

BE IT FURTHER RESOLVED that all cattleguards and existing fences, if damaged
by said removal, be restored to their original condition.

The foregoing resolution was on March 1, 1961 duly adopted by a vote of 9
for and 0 against by the Tribal Council of the White Mountain Apache Tribe,
pursuant to authority vested in it by Article V, Section 1 (1) of the Amended
Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and
approved by the Secretary of the Interior on May 29, 1958, pursuant to Section
16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council

74-69416
H

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D. C.

INDIAN AGENCY
RECEIVED
MAR 15 1961
TITERNER, ARIZONA

MAR 10 1961

Mr. Lester Oliver, Chairman, White Mountain Apache Tribal Council, Fort Apache Agency, Arizona

This will acknowledge your letter of February 2, 1961, transmitting White Mountain Apache Tribal Council Resolution No. 61-15 enacted on February 1, 1961. The resolution concerns a request and recommendation made by the tribal council that a bill be introduced in the present Congress granting the Federal Government exclusive jurisdiction over the crime of carnal knowledge, or statutory rape, when such a crime is committed within Indian country. You ask that the Department of the Interior take action to bring about the enactment of such a bill to correct the present situation on the reservation.

We are very much aware of and recognize the seriousness of the problems you point out in relation to the protection and the welfare of young girls living on the reservation. We agree that convictions in the Indian courts of felonious offenses of this type are not the solution, as these courts are not designed to handle offenses of this nature. The question of extending the jurisdiction of the Federal Government over crimes to include the crime of carnal knowledge within the Indian country has been the subject of considerable discussion between this Department and the Department of Justice. It is the Department's part of a proposed bill that would amend Section 1153, Title 18, United States Code, to include the crimes of carnal knowledge and assault with a dangerous weapon, which would vest in the Federal Government exclusive jurisdiction over these offenses involving Indians within the Indian country.

Thank you for bringing this matter to our attention. You may be assured that the Department will give your request its immediate and serious consideration.

Sincerely yours,

Secretary of the Interior

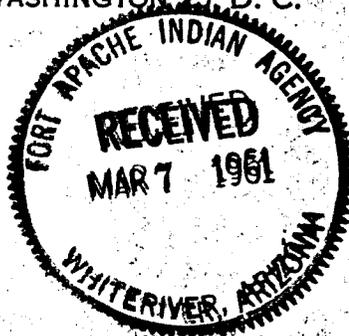
Mr. Lester Oliver
Chairman, White Mountain Apache Tribal Council
Fort Apache Agency
Tucson, Arizona

MAR 14 1961



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, 25, D. C.

IN REPLY REFER TO:
Law and Order
1927-61



MAR - 3 1961

Hon. Carl Hayden
United States Senate
Washington 25, D. C.

Dear Senator Hayden:

This will acknowledge your communication of February 24, 1961, in which you enclose a letter of February 2 addressed to you from the Chairman of the White Mountain Apache Tribal Council, and one dated February 16 from the Chairman of the Colorado River Tribal Council, both of which request a bill be introduced in the present Congress granting the Federal Government exclusive jurisdiction over the crime of carnal knowledge, or statutory rape, when such a crime is committed within the Indian country. Also enclosed were tribal resolutions from each of the two tribes pointing out the need for such legislation.

We are very much aware of, and recognize the seriousness of, the problems pointed out in the tribal resolutions with respect to the protection and welfare of young girls living on the reservations. We agree with Chairman Lester Oliver that misdemeanor convictions in the Indian courts on felonious offenses of this type are not the solution, as these courts were not designed to handle offenses of this nature.

The question of extending the criminal jurisdiction of the Federal Government over Indians to include the crime of carnal knowledge within the Indian country has been the subject of considerable discussion between this Department and the Department of Justice. At the present time the Department of the Interior is studying a draft of a proposed bill that would amend Section 1153, Title 18, United States Code, to include the crimes of carnal knowledge and assault with a deadly weapon, which would vest in the Federal courts exclusive jurisdiction over these offenses involving Indians within the Indian country.

The enclosed correspondence is returned, as requested.

Sincerely yours,

Copy to: Area Director, Phoenix Area Office
✓ Supt., Ft. Apache Agency
Supt., Colorado River Agency

(Sgd) John O. Crow
Acting

Commissioner

Enclosures

PRS 5826
X-5344